

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

**BLACK BULL RUN
DEVELOPMENT LLC,**

Debtor.

Case No. **10-60593-11**

O R D E R

At Butte in said District this 13th day of April, 2010.

In this Chapter 11 bankruptcy, a preliminary hearing was held April 13, 2010, in Missoula on Debtor's Motion Pursuant to Bankruptcy Code Sections 105, 361, 362, 363 and 364 and Bankruptcy Rules 2002, 4001, and 9014 for Interim and Final Orders (1) Authorizing Debtors to Obtain Post-Petition Financing (2) Authorizing Debtors to Utilize Cash Collateral, (3) Granting Adequate Protection to Pre-Petition Secured Lenders and (4) Scheduling Interim and Final Hearings. Debtor Black Bull Run Development, LLC (Case No. 10-60593-11) was represented at the hearing by James A. Patten of Billings, Montana; Debtor Black Bull Golf Club, Inc. (Case No. 10-60537-11) was represented at the hearing by Ross P. Richardson of Butte, Montana; Dorie Benesh Refling of Bozeman, Montana appeared at the hearing on behalf of Sime Construction, Inc., JTL Group, Inc., d/b/a Knife River-Belgrade, Allied Engineering Services, Inc., and Cashman Nursery; Gregory Murphy of Billings, Montana appeared on behalf of OneWest Bank; Paul D. Moore of Boston, Massachusetts appeared on behalf of CIP BB Lending, LLC; Keith Jones of Helena, Montana appeared on behalf of the Montana Department of Revenue; Bruce Spencer of Helena, Montana appeared on behalf of Wells Fargo Leasing; and

Neal Jensen of Great Falls, Montana appeared on behalf of the Office of the United States Trustee.

OneWest Bank, through counsel, appeared at the hearing and argued that it did not receive adequate notice of the hearing on Debtor's Motion under F.R.B.P. 4001. While the Court can conduct a preliminary hearing on less than 14 days notice and authorize the use of cash collateral or the obtaining of credit in an amount necessary to avoid immediate and irreparable harm, the Debtors' counsel advised the Court that the Debtors satisfied their immediate need for cash through the sale of a 1969 Checker Bus, which sale this Court approved by separate Order. The parties then agreed to continue the hearing on Debtors' aforementioned Motion to permit for the appropriate notice under Rule 4001. Accordingly,

IT IS ORDERED and NOTICE IS HEREBY GIVEN that a final hearing on Debtor's Motion Pursuant to Bankruptcy Code Sections 105, 361, 362, 363 and 364 and Bankruptcy Rules 2002, 4001, and 9014 for Interim and Final Orders (1) Authorizing Debtors to Obtain Post-Petition Financing (2) Authorizing Debtors to Utilize Cash Collateral, (3) Granting Adequate Protection to Pre-Petition Secured Lenders and (4) Scheduling Interim and Final Hearings (Dkt 12) shall be held **Monday, April 26, 2010, at 09:00 a.m.**, or as soon thereafter as the parties can be heard, in the 5TH FLOOR COURTROOM, FEDERAL BUILDING, 316 NORTH 26TH, BILLINGS, MONTANA.

BY THE COURT



HON. RALPH B. KIRSCHER
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

